

REMARKS / ARGUMENTS

Claims 1-31 are pending in the instant application. Claims 1, 11 and 21 are independent. Claims 2-10, 12-20 and 22-30 depend from independent claims 1, 11 and 21, respectively.

By this Amendment, claims 11-20 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 11-20 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

I. REJECTION UNDER 35 U.S.C. § 101

Claims 11-20 are rejected under 35 U.S.C. § 101. More specifically, the Examiner states the following in pages 2-3 of the Office Action:

Regarding independent claim 11, the claim recites "A computer-readable medium", which cover forms of non-transitory tangible media and transitory propagating signals in the ordinary and customary meaning. Thus, in view of the broadest reasonable interpretation, particularly when the specification is silent, the claim may cover a signal per se; and therefore does not qualify as a statutory subject matter.

For the same reason discussed supra with respect to independent claim 11, dependent claims 12-20 fall outside the scope of § 101.

The Applicants are suggested to replace "computer-readable medium" with "non-transitory computer-readable medium" to overcome the 101 issue above.

The Applicant respectfully disagrees and traverses the rejection. However, to further prosecution, the Applicant has amended claims 11-20, as set forth above, to recite "non-transitory computer-readable medium". The Applicant submits that the rejection of claims 11-20 under 35 U.S.C. § 101 has been overcome and claims 11-20 are allowable.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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